

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHRISTINA R WALKER**  
Claimant

**WALMART INC**  
Employer

**APPEAL 21A-UI-21451-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/01/21  
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence

**STATEMENT OF THE CASE:**

On September 27, 2021, the claimant, Christina Walker, filed an appeal from the September 22, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was unable to work due to illness. The parties were properly notified of the hearing. A telephonic hearing was held on November 17, 2021. The claimant, Christina Walker, participated. Gary Walker participated on behalf of the claimant. The employer, WalMart Inc, did not register any witnesses and did not participate in the hearing. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Effective August 1, 2021, was the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment as a full-time order filler on September 3, 2019. Claimant still works for the employer.

Claimant's husband has an underlying medical condition that places him at increased risk of contracting COVID-19. At the beginning of August 2021, claimant requested time off of work to care for her husband. The employer agreed to a medical leave of absence. Claimant is currently scheduled to return to work on February 12, 2022.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not able to and available for work. Benefits are denied.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(10) provides:

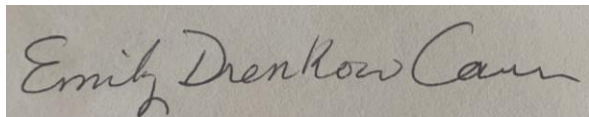
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

Here, claimant requested a leave of absence to care for her husband beginning in August 2021 and ending February 12, 2022. Because the claimant requested time off of work to care for her husband and the employer agreed to this time off, claimant was on a voluntary leave of absence from work. Claimant was not able to and available for work. Benefits are denied.

**DECISION:**

The September 22, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant was not able to work and available for work effective August 1, 2021. Benefits are denied.



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Emily Drenkow Carr  
Administrative Law Judge

December 20, 2021

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Decision Dated and Mailed

edc/abd